

OFFICIAL COPY

Fresno, California

November 28, 2000

The City Council met in regular session at the hour of 9:15 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Garry Bredefeld	Acting Council President
	Chris Mathys	Councilmember
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Councilmember
	Tom Boyajian	Council President

Andy Souza, Interim City Manager
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Pastor Rod Suess, Butler Avenue Mennonite Brethren Church, gave the invocation, and District 4 Council Assistant Kinabrew led the Pledge of Allegiance to the Flag.

PROCLAMATION FOR FRESNO'S SPANISH THEATER GROUP - COUNCILMEMBER MATHYS

(ADD-ON) INVITATION TO CANDLELIGHT CHRISTMAS ON HUNTINGTON BOULEVARD AND PRESENTATION TO COUNCILMEMBER QUINTERO BY PENNY RAVEN

The above proclamation, invitation and presentation was made. Visiting third grade students from Lincoln Elementary School were recognized and welcomed.

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APPROVE MINUTES OF NOVEMBER 14, 2000:

On motion of Councilmember Quintero, seconded by Acting President Bredefeld, duly carried. RESOLVED, the minutes of November 14th approved as submitted

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APPROVE AGENDA:

DIRECT STAFF TO SCHEDULE ON THE DECEMBER 5TH AGENDA: COUNCIL ACTION TO OVERRIDE THE MAYOR'S VETO OF RESOLUTION NO. 2000-328 - COUNCILMEMBER PEREA

Direction made.

COMMENDATION TO COUNCILMEMBER PEREA FOR PLACEMENT OF FLOURESCENT SCHOOL SIGNS AT SCHOOLS IN DISTRICT 5 - COUNCILMEMBER QUINTERO

Commendation made.

(1A-2) * RESOLUTION - 67TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$126,900 OF THE COMMISSION OF PEACE OFFICER STANDARDS AND TRAINING (P.O.S.T.) FUNDS ALLOCATED FOR THE PURCHASE OF TRAINING SIMULATORS

Removed from the agenda at staff's request.

(1A-13) APPROVE CONTRACT CHANGE ORDER NO. 5 WITH FORD CONSTRUCTION, INC. FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT AIRSIDE/LANDSIDE CONSTRUCTION PROJECT

Laid over one week at the direction of staff.

(5E) * BILL - AMENDING SECTIONS 9-407 AND 9-408 OF THE FRESNO MUNICIPAL CODE REGARDING PRIVATE SOLID WASTE COLLECTION - COUNCILMEMBER STEITZ

Laid over one week at the direction of Councilmember Steitz.

On motion of Councilmember Steitz, seconded by Councilmember Quintero, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

(1A-1) * **RESOLUTION NO. 2000-335** - 66TH AMENDMENT TO AAR 200-183 APPROPRIATING AND TRANSFERRING A TOTAL OF \$100,000 OF FEDERAL ASSET FORFEITURE FUNDS TO COVER POLICE SERVICES COSTS FOR THE CONTINUED OPERATION OF THE WEED AND SEED PROGRAM AT LANE ELEMENTARY SCHOOL

(1A-4) * **RESOLUTION NO. 2000-336** - 378TH AMENDMENT TO MFS RES. 80-420 ADDING A DAY PASS FARE FOR SERVICE BY FRESNO AREA EXPRESS (FAX)

(1A-5) DECLARING SURPLUS EQUIPMENT, AND AUTHORIZE THE PURCHASING MANAGER TO DISPOSE OF THE EQUIPMENT IN CONFORMANCE WITH FRESNO MUNICIPAL CODE SECTION 3-202

(1A-6) **RESOLUTION NO. 2000-337** - AUTHORIZE AND DIRECT THE DIRECTOR OF PARKS, RECREATION AND COMMUNITY SERVICES TO EXECUTE ON BEHALF OF THE CITY, AN EASEMENT DOCUMENT GRANTING AN EASEMENT OVER CERTAIN CITY-OWNED PROPERTY TO THE RIVER PARK LITTLE LEAGUE ACROSS KAISER PARK TO ACCOMMODATE THE INSTALLATION AND MAINTENANCE OF SEWER AND WATER MAINS

(1A-7) **RESOLUTION NO. 2000-338** - DEDICATING CERTAIN CITY-OWNED PROPERTY LOCATED SOUTH OF E. MCKINLEY ON THE EAST SIDE OF PEACH AVENUE FOR PUBLIC STREET PURPOSES

(1A-12) * **RESOLUTION NO. 2000-339** - 73RD AMENDMENT TO AAR 2000-183 APPROPRIATING \$93,000 TO THE PARKS DIVISION TO CONTINUE TREE PLANTING SERVICES THROUGH FY 2001 (CONTRACT TREE PLANTING)

(1A-14) * **RESOLUTION NO. 2000-340** - 64TH AMENDMENT TO AAR 2000-183 TRANSFERRING CONTINGENCY FUNDS TO BE USED TO PAY FOR VARIOUS MAINTENANCE PROJECTS AT THE MUNICIPAL SERVICE CENTER

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

CONSENT CALENDAR - BILL FOR INTRODUCTION:

(1B-1) **BILL NO. B-76** - REPEALING FRESNO MUNICIPAL CODE SECTION 10-1108 AND AMENDING SECTION 10-1109 RELATING TO PARKING OF COMMERCIAL VEHICLES

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above Bill No. B-76 introduced before the Council and laid over, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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ABSENCE OF COUNCILMEMBER MATHYS FROM THE GENERAL PLAN HEARING ON NOVEMBER 29TH

Councilmember Mathys advised he would be holding his last district meeting on November 29th and would therefor be unable to attend the continued hearing on the general plan. So noted.

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UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY PAUL SALAZAR, LIONS LITTLE LEAGUE, REGARDING LACK OF LIGHT INSTALLATION AT LIONS PARK

Mr. Salazar noted the lights were to have been installed by this time adding he had talked back and forth with staff to no avail. President Boyajian and Councilmember Mathys advised they were aware of the situation, expressed their frustration, and questioned what the hold up was since funding for the lights had been allocated. Councilmember Steitz directed the matter be placed on the December 5th agenda for a staff report on why the lights had not been installed. Interim City Manager Souza gave a brief status report and stated he would work with Parks and Recreation and Public Works to have the lights installed by the March 1st deadline. President Boyajian and Councilmember Quintero requested staff also include Quigley and Pilibos park lights.

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(9:45 A.M.) APPEARANCE BY TOM YOW, CREATIONS MANUFACTURING, INC., TO EXPRESS APPRECIATION TO THE FRESNO FIRE DEPARTMENT

Mr. Yow advised his company experienced a fire in August and commended the department for their professionalism and expressed his appreciation. Brief discussion ensued and Council also commended the department.

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(9:50 A.M.) APPEARANCE BY GARY TIMAN VIGEN, VIGEN ASSOCIATES, TO PRESENT A CONCEPT TO REDEVELOP THE NORTHERLY SIDE OF SANTA FE AVENUE FROM TULARE TO MONO WITH THE OPTION OF INTEGRATING THE AMTRAK STATION

Mr. Vigen reviewed the background of the Amtrak station issue (2 - 0) and gave an overview of three schemes outlined in his report (which was submitted to Council and is on file in the office of the City Clerk), noted Scheme III to redevelop Santa Fe Avenue, rehab the old depot, and integrate a new station was the best of schemes I and II, reviewed the cost comparisons, addressed how existing blight would be eliminated, and requested Council conceptually agree to pursue the Santa Fe Avenue redevelopment, proceed with the initial phase of rehabbing the old depot, and proceed with Part 1 of the new station.

Barbara Hunt, 944 "F" Street, spoke to the issue.

Mr. Vigen responded to questions of Councilmember Mathys relative to Mr. Vigen's credentials and awards, cost to rehab the old depot, cost to build a new station, and if both could be accomplished for the same amount of money earmarked for the project. Councilmember Mathys made a motion to re-enter into negotiations for a new station and remodel the old depot, whereupon City Attorney Montoy advised the motion was inconsistent with the prior direction a few weeks ago to rehab the old depot to a new station, and recommended staff be directed to determine how Mr. Vigen's proposal fit in with the prior direction. Discussion ensued on a timeline for staff to report back, on the need to respect Council's prior direction, and need for staff to review the proposal and numbers and make a determination.

Councilmember Ronquillo stated it was difficult to make decisions when information was being received by Council in pieces, stated he did not like the new design for the new station, and stated Scheme III as presented sounded good and questioned why it was not presented years ago, with Mr. Vigen responding.

City Construction Engineer Kassabian responded to questions of Councilmember Steitz relative to whether there was flexibility on the dollars currently set aside for track work, **(3 - 0)** how current negotiations would be affected if Mr. Vigen's proposal were to be pursued, if dollars were specifically earmarked for certain things, and amount allocated for the tracks. President Boyajian stated a full, comprehensive plan with alternatives and costs had never been presented to Council, and Councilmember Ronquillo commenting on talks about an entertainment area and the need for Council to seriously think about acquiring buildings/property from the railroad.

Upon question of Councilmember Perea, Mr. Kassabian stated Council's prior direction was still online. Councilmember Perea noted the Redevelopment Agency would be presenting a report on December 5th relative to downtown entry points and the purchase of warehouse property and stated he felt the proposal to redevelop the area tied in with the prior direction and added he did not want Council to lose focus on the old depot. Mr. Vigen commented briefly on his contract with the City and why he couldn't approach the City until the contract expired, and emphasized his project as presented was a project of love for the downtown area and for revitalization.

By Council consensus, staff to report back on December 12th on how Mr. Vigen's proposal, or portions thereof, fit into Council's prior direction to rehab the old depot to the new station.

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(10:00 A.M.) HEARING ON CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 24 (TRACT NOS. 4945 AND 4951)

- 1. RESOLUTION NO. 2000-341 - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- 2. RESOLUTION NO. 2000-342 - CALLING A SPECIAL MAILED-BALLOT ELECTION**
- 3. RESOLUTION NO. 2000-343 - DECLARING ELECTION RESULTS**
- 4. * BILL NO. B-77 - ORDINANCE NO. 2000-78 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2000-2001 AND FUTURE TAX YEARS WITHIN AND RELATING TO CFD NO. 2**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. City Engineer Salazar briefly reviewed the staff report as submitted, and a motion was made to approve staff's recommendation.

Barbara Hunt, 944 "F" Street, spoke to the issue. Councilmembers Perea and Steitz briefly left the meeting at 11:08 a.m.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Quintero, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Resolution Nos. 2000-341, 200-342, 200-343 hereby adopted, and the above Bill No. B-77 adopted as Ordinance No. 2000-78, by the following vote:

Ayes	:	Bredefeld, Quintero, Ronquillo, Boyajian
Noes	:	Mathys
Absent	:	Perea, Steitz

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(10:30 A.M.) HEARING ON REZONING APPLICATION NO. R-00-027 AND ENVIRONMENTAL FINDINGS, FILED BY SYLVIA DISNEY AND EDWARD LUJANO, FOR DEVELOPMENT OF A 7,500 SQUARE-FOOT TEA ROOM AT 1125 "T" STREET

1. CONSIDER ENVIRONMENTAL ASSESSMENT/CATEGORICAL EXEMPTION

2. BILL NO. B-78 - ORDINANCE NO. 2000-79 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-P TO C-5

President Boyajian announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff's recommendation and the applicants responded to questions of Councilmember Ronquillo relative to the proposed use (tea room) and plans for the building's exterior.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Mathys, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the categorical exemption for Environmental Assessment No. R-00-027 hereby approved, and the above entitled Bill No. B-78 adopted as Ordinance No. 2000-79, subject to the conditions listed in the staff report, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Ronquillo, Boyajian
Noes	:	None
Absent	:	Perea, Steitz

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(11:00 A.M.) COUNCIL DIRECTION TO STAFF REGARDING BROWNING FERRIS INDUSTRIES (BFI) SOLID WASTE SERVICE IN CALWA - COUNCILMEMBER QUINTERO

Councilmember Steitz returned to the meeting at 11:12 a.m. Interim Public Utilities Director McIntyre responded to questions of Councilmember Quintero relative to the meeting held with BFI and status of the issue, if the city-wide changeover to three containers had been completed, where green waste was currently being taken to and where it was supposed to go, whereupon City Attorney Montoy advised Councilmember Quintero to schedule a report from staff on the green waste issue on a future agenda as the issue this date dealt only with BFI and Calwa service. Councilmember Quintero directed a staff report be scheduled on the December 5th agenda, noted he was still receiving complaints from residents being served by the city, stated he did not understand the cost effectiveness of the city servicing Calwa when additional personnel would have to be hired and containers purchased, and stated the city was cutting back on services such as the Christmas Tree pickup program yet was still charging the same rates. Interim City Manager Souza noted there were multiple issues involved and stated staff would provide a full, comprehensive report on December 12th. There was no further discussion.

(*NOTE: After the following item, Alice Brandenburg of USA Waste (formerly Western Waste), advised they also had a contract for Pinedale's service and requested, if staff was going to be directed to renegotiate a contract for Calwa, that the same opportunity be extended to them for Pinedale.)

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(5B) REQUEST FOR REPORT FROM SOLID WASTE DIVISION ON WHY THE SPECIAL CHRISTMAS TREE PICK UP PROGRAM HAS BEEN CANCELED FOR SINGLE-FAMILY RESIDENTIAL CUSTOMERS - COUNCILMEMBER QUINTERO

Interim Public Utilities Director McIntyre stated the program was not being discontinued, clarified residents were being asked to place their Christmas trees in their containers, and advised the program would continue for those without containers, the elderly, and those who need assistance. Interim City Manager Souza reminded Council this was a transitional year and further clarified trees placed out on curbs would be picked up but residents were still being asked to put them in their containers. Councilmember Quintero stated his concern was services were being cut back but rates were staying the same, stated he wanted the Christmas Tree Pickup Program to remain in place, and directed staff to schedule that issue on the December 5th agenda. Upon question of Councilmember Steitz, Mr. McIntyre stated recycling at apartment complexes would be implemented next year. There was no further discussion.

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Visiting students from Lincoln Elementary School were recognized and welcomed.

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(11:00 A.M.) COUNCIL DIRECTION TO STAFF REGARDING BROWNING FERRIS INDUSTRIES (BFI) SOLID WASTE SERVICE IN CALWA - COUNCILMEMBER QUINTERO (CONTINUED FROM EARLIER)

Alice Brandenburg, USA Waste, 4333 E. Jefferson, advised they also had a contract for Pinedale's service and requested -- if staff was going to be directed to renegotiate a contract for Calwa -- that the same opportunity be extended to them for Pinedale.

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Carney Hodge, of the former Duekmajian and Wilson administrations, and Hodge & Sons, was acknowledged and welcomed.

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(5C) DIRECT CITY MANAGER TO RETURN (ON DECEMBER 5TH) WITH AN APPROPRIATION RESOLUTION APPROPRIATING THE \$1.8 MILLION RECEIVED FROM THE STATE OF CALIFORNIA FOR THE RELINQUISHMENT OF VENTURA/KINGS CANYON ROAD FROM STATE ROUTE 99 TO CHESTNUT AVENUE, WITH THE APPROPRIATIONS TO BE DIRECTED FOR STREETS, STREET SCAPES, PAVING AND OTHER IMPROVEMENTS FOR VENTURA/KINGS CANYON FROM SR 99 TO CHESTNUT AVENUE - COUNCILMEMBER QUINTERO

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the City Manager directed to return on December 12th or 19th with an appropriation resolution appropriating the \$1.8 million received from the State of California for the relinquishment of Ventura/Kings Canyon road from State Route 99 to Chestnut avenue, with the funds to directed for streets, street scape, paving and other improvements for Ventura/Kings Canyon from SR 99 to Chestnut Avenue, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Perea

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(5D) DISCUSSION AND IMPLEMENTATION OF NEW POLICY RELATING TO THE COUNCIL INFRASTRUCTURE BUDGET - ACTING PRESIDENT BREDEFELD

Acting President Bredefeld stated infrastructure budgets were supposed to be used for district infrastructure needs and noted there had been a lot of discussion on how those funds were being spent, stated although the dollars were well spent within Council districts he felt the term “infrastructure budget” was misleading, **(4 - 0)** and stated either the name should be changed if funds were going to be used for schools or social service organizations *OR* the funds should be solely used for infrastructure needs.

Councilmember Mathys spoke strongly in support of infrastructure budgets stating they cut out the red tape and gave Councilmembers the ability to quickly respond to district needs and explained. Councilmember Ronquillo spoke in support and recommended the name be changed to “Infrastructure/Contingency Budgets” with a certain percentage designated solely for infrastructure needs. Councilmember Steitz stated the policy currently in place was very straight-forward requiring five votes to approve expenditures on uses other than infrastructure. Councilmember Quintero spoke in support of the budgets stating he saw people and activities as infrastructure and explained. Councilmember Perea returned to the meeting at 11:54 a.m. President Boyajian also spoke in support stating each member knew their districts best and defined “infrastructure” their own way, stated Council’s credibility was on the line and he sometimes did not trust the city’s administration to get things done, and stressed dollars were being spent wisely and he felt the issue had been blown out of proportion. There was no further discussion.

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(5A) DIRECT CITY ATTORNEY TO RESEARCH/PREPARE REPORT ON REQUIRING DRUG TESTING ON CITY PROJECTS COMPLETED BY PRIVATE CONTRACTORS - COUNCILMEMBER PEREA

Councilmember Perea advised one of the local unions raised this matter as an issue and had shared a copy of their drug testing policy they utilized with private contractors, questioned if Council felt there was any value to ensure that workers completing major city projects were drug-free, noted this was a very common practice in the private sector and he felt it was one that should be considered, if not with all projects, at least specific city projects involving public safety and explained, and made a motion to direct the City Attorney to research drug testing on major city projects and report back on pros, cons or legal issues.

Upon question of Acting President Bredefeld, City Attorney Montoy stated she would have to look into the issue, noted the city currently had considerable protections with public works projects, stated she could see potential enforcement and liability problems with such a requirement, and stated maybe a general policy might be best and explained. Brief discussion ensued.

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, **RESOLVED**, the City Attorney directed to research and prepare a report on requiring drug testing on major city projects completed by private contractors, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(5F) DISCUSS APPOINTMENT OF COUNCIL BUDGET COMMITTEE FOR FY 2000-2001 - COUNCILMEMBER PEREA

Councilmember Perea stated he scheduled the issue due to Council being in transition and the upcoming budget process being started, and stated he felt it made sense to reactivate the previous committee or appoint a new committee that would include the new Councilmembers' participation. Upon question of President Boyajian, City Attorney Montoy stated a standing committee would be subject to all Brown Act requirements and that an ad hoc committee would be permissible. Councilmember Ronquillo commented on the issue and recommended the matter be held off to obtain input from the new Councilmembers and then form a committee. President Boyajian commented on the importance of and assistance given by the Council Analyst.

Barbara Hunt, 944 "F" Street, spoke to the issue.

There was no further discussion.

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LUNCH RECESS - 12:14 P.M. - 2:25 P.M.

(1A-10) * RESOLUTION - 68TH AMENDMENT TO AAR APPROPRIATING \$501,200 TO FUND THE COMPLETION OF THE CONVENTION CENTER NEW EXHIBIT HALL (*CONSIDERED AGAIN LATER*)

Upon question of Acting President Bredefeld, City Attorney Montoy recommended Council consider the matter after closed session as a related matter was scheduled for closed session. Considered later.

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(1A-11) * RESOLUTION - 72ND AMENDMENT TO AAR 2000-183 APPROPRIATING FUNDS FOR THE GRANTLAND BYPASS GRADE SEPARATION NEXUS FEE STUDY AND AUTHORIZING THE EXECUTION OF AN ENGINEERING SERVICES AGREEMENT WITH OMNI-MEANS, LTD.

City Construction Engineer Kassabian and Interim City Manager Souza responded to questions of Acting President Bredefeld and Mr. Souza relative to why a consultant was being hired, if this had been done before, why this matter was more complicated, feasibility of hiring staff with the needed expertise instead of a consultant, and when the fees were last evaluated. Mr. Souza recommended the matter be tabled one week to allow staff to provide information from an October 1999 study and to walk Council through the process. Mr. Kassabian responded to questions of Councilmember Ronquillo relative to whether there were other similar major projects.

On motion of Councilmember Steitz, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Item **1A-11** tabled one week, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Ronquillo
Noes	:	None
Absent	:	None

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(1A-8) APPROVE AMENDMENT TO REQUIREMENTS CONTRACT FOR BENEFICIAL REUSE OF BIOSOLIDS

Purchasing Manager Taggart and Wastewater Manager Hogg responded to questions of Councilmember Steitz relative to why the daily load requirements were changed, clarification of the transfer from the treatment plant to McCarthy Farms, what would happen if the transfer to McCarthy did not occur, what McCarthy used the biosolids for, the agreement, cost and requested increase, and if the price was worth getting the product transferred.

On motion of Councilmember Steitz, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, an amendment to the requirements contract for the beneficial reuse of biosolids with McCarthy Family Farms hereby approved as follows: (1) a price increase from \$13.00 to \$15.50 per ton, as of 9/1/00 through 12/31/00, due to unforeseeable and very steep increases in fuel costs; and (2) extension of the contract for one year from 1/1/01 through 12/31/01, with two possible one-year extensions at a cost per ton of \$17.45, which contract extension will include a provision that the price per ton can be negotiated lower should fuel costs fall, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Ronquillo
Noes	:	None
Absent	:	None

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(1A-3) * RESOLUTION NO. 2000-344 - 71ST AMENDMENT TO AAR 2000-183 APPROPRIATING \$336,000 OF COPS MORE 2000 PROGRAM FUNDING TO PAY FOR THE SALARIES OF TEN COMMUNITY SERVICE OFFICER (CSO) POSITIONS

1. * RESOLUTION NO. 2000-345 - 8TH AMENDMENT TO PAR 2000-182 ADDING TEN PERMANENT POSITIONS TO UNDERTAKE THE COPS MORE 2000 PROGRAM

Councilmember Perea stated he had a problem with utilizing short-term dollars to hire employees, questioned if Council was willing to accept the fiscal impacts thereafter, and added he did not feel this was the best way to fund positions.

Councilmember Steitz made a motion to approve the resolution stating the main issue was resources were available and he did not want to see staff not being hired, and stated it was the Council's and Mayor's responsibility to make the funding decisions thereafter. Brief discussion ensued and Chief Winchester and Interim City Manager Souza responded to Council's questions and comments relative to amount of this year's shortfall, grant amount, total cost for employee salaries and benefits, leveraging the grant dollars, grant provisions, and if it was the police department's priority to fund the positions the next fiscal year.

On motion of Councilmember Steitz, seconded by Acting President Bredefeld, duly carried, **RESOLVED**, the above entitled Resolution Nos. 2000-344 and 2000-345 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	Perea
Absent	:	None

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(1A-9) APPROVE SELECTION OF ROSS AND CASTILLO AS ADMINISTRATOR FOR THE CITY'S WORKERS' COMPENSATION PROGRAM

Councilmember Perea requested the matter be laid over two weeks stating he had questions and wanted to obtain additional information from staff such as Ross and Castillo's performance and whether attorney's fees were included, stated a possible contract of up to six years as recommended by staff was not good business, and made a motion to table the matter two weeks. Councilmember Steitz spoke in opposition stating any questions could be asked at this time, stated staff would not be recommending approval if Ross and Castillo were not performing, and presented questions relative to their past performance, if staff had received any type of complaints, and which staff members dealt with Ross and Castillo and how often. Councilmember Mathys and Acting President Bredefeld spoke in support of staff's recommendation stating the same issue was brought up in the past and pointed out staff was comfortable with their performance. Councilmember Ronquillo stated it was not unreasonable to respect requests for delays.

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, the above entitled Item **1A-9** approving the selection of Ross and Castillo as the Workers' Compensation Program Administrator laid over two weeks, by the following vote:

Ayes	:	Perea, Quintero, Ronquillo, Boyajian
Noes	:	Bredefeld, Mathys, Steitz
Absent	:	None

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(2:00 P.M.) CLOSED SESSION:

(A) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 (COUNCILMEMBER QUINTERO): CITY NEGOTIATORS: JORGE AGUINIGA AND ANDREW SOUZA; EMPLOYEE ORGANIZATIONS: FRESNO POLICE OFFICERS ASSOCIATION, NON-SUPERVISORY POLICE (FPOA); INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 FIRE NON-MANAGEMENT (IAFF); AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 FIRE MANAGEMENT (IAFF)

(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:

1. SOLPAC, INC., DBA SOLTEK PACIFIC V. COF, ET AL. MAULDIN DORFMEIER CONSTRUCTION, INC. (REAL PARTY IN INTEREST)
2. NOTTOLI CMC V. COF, ET AL.
3. SCOUT ISLAND INVESTORS V. COF, SUP. CT. CASE #631292-0; AND SCOUT ISLAND INVESTORS & JON THOMASON V. COF, ALVIN P SOLIS, JAMES PATTERSON AND JEFFREY REID, U.S. DISTRICT COURT CASE NO. CIV-F-00 5532 OWW SMS

(C) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (c) - CASE NAMES:

1. COF V. MICHAEL ROMANO, SR., CONSTRUCTION, INC. DBA ROMANO AVIATION
2. CASE NAME UNSPECIFIED - ONE POTENTIAL CASE
3. COF V. LONG CONSTRUCTION, INC., FRESNO CONVENTION INVESTORS, INC., BUD LONG, INC., DBA FRESNO CONVENTION INVESTORS

The Council met in closed session in Room 2125 at the hour of 2:55 p.m. to consider the above issues and reconvened in regular open session at 4:27 p.m.

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(1A-10) * RESOLUTION - 68TH AMENDMENT TO AAR APPROPRIATING \$501,200 TO FUND THE COMPLETION OF THE CONVENTION CENTER NEW EXHIBIT HALL (*CONTINUED FROM EARLIER*)

City Attorney Montoy and Senior Engineering Inspector Banuelos responded to questions of Councilmember Steitz relative to purpose of the appropriation, if the funds were from bonds, and why the matter was back before Council.

On motion of Councilmember Quintero, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2000-346 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 4:28 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED on the 5th day of December, 2000.

ATTEST:

Tom Boyajian, Council President

Yolanda Salazar, Assistant City Clerk

136-200

11/28/00